

Adopted	Rejected
---------	----------

COMMITTEE REPORT

YES:	7
NO:	0

MR. SPEAKER:

*Your Committee on Natural Resources, to which was referred House Bill 1763, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, line 8, delete "means" and insert "means:
- 2 (1) a feature that is nonportable evidence of past human
- 3 behavior or activity that is found on or in the ground,
- 4 including structural remains formed before December 31,
- 5 1870; or
- 6 (2)".
- 7 Page 1, line 8, after "made" insert ",".
- 8 Page 1, line 8, strike "or shaped by human" and insert "**modified, or**
- 9 **used**".
- 10 Page 1, line 9, strike "workmanship".
- 11 Page 1, between lines 9 and 10, begin a new paragraph and insert:
- 12 "SECTION 3. IC 14-21-1-3 IS AMENDED TO READ AS
- 13 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. As used in this
- 14 chapter, "burial ground" means ground in which human remains are

1 buried. The term includes **the following:**

2 (1) The land associated with or incidental to the burial of human
3 remains.

4 **(2) Historic cemeteries or land with human remains buried**
5 **before December 31, 1939.**

6 SECTION 4. IC 14-21-1-8 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) As used in this
8 chapter, "plan" refers to:

- 9 (1) an archeological plan, as described in subsection (b); or
10 (2) a development plan, as described in subsection (c).

11 (b) As used in this chapter, "archeological plan" means a plan for
12 the systematic recovery, analysis, and disposition by scientific methods
13 of material evidence and information about the life and culture in past
14 ages.

15 (c) As used in this chapter, "development plan" means:

- 16 (1) a plan for the erection, alteration, or repair of any structure; **or**
17 **(2) a plan for the excavation of any ground related to**
18 **construction."**

19 Page 2, delete lines 32 through 33, begin a new paragraph and
20 insert:

21 "SECTION 6. IC 14-21-1-24 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 24. (a) As used in this
23 section, "agricultural purpose" includes farming, dairying, pasturage,
24 agriculture, horticulture, floriculture, viticulture, ornamental
25 horticulture, olericulture, pomiculture, animal husbandry, and poultry
26 husbandry.

27 (b) Sections 25, 26, 28, and 29 of this chapter do not apply to the
28 following:

- 29 (1) Surface coal mining regulated under IC 14-34.
30 (2) Cemeteries and human remains subject to IC 23-14.
31 (3) Disturbing the earth for an agricultural purpose.
32 (4) Collecting any object other than human remains that is visible
33 in whole or in part on the surface of the ground, regardless of the
34 time the object was made or shaped.
35 **(5) Qualified professional archeologists, as determined by the**
36 **department, who conduct phase 1 archeological surveys**
37 **according to guidelines in effect by the department.**

38 SECTION 7. IC 14-21-1-25 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 25. (a) The commission
2 shall adopt rules establishing standards for plans.

3 (b) With respect to archeological plans, the rules must impose a
4 standard of conduct that does the following:

5 (1) Promotes the scientific investigation and conservation of past
6 cultures.

7 (2) Considers the interests and expertise of amateur archeologists
8 and professional archeologists.

9 (c) With respect to development plans, the rules must impose a
10 standard of conduct that preserves and protects both of the following:

11 (1) The rights and interests of landowners.

12 (2) The sensitivity of human beings for treating human remains
13 with respect and dignity, as determined by the commission.

14 (d) Plans required under this chapter must be submitted to the
15 department for approval according to rules adopted by the commission.

16 **(e) Proposed plans and any reports required by the plans must**
17 **be reviewed by the division within thirty (30) days after receipt.**

18 SECTION 8. IC 14-21-1-26 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 26. (a) A person who
20 disturbs the ground for the purpose of discovering artifacts, ~~or~~ burial
21 objects, **or human remains** must do so in accordance with a plan
22 approved by the department under section 25 of this chapter or under
23 IC 14-3-3.4-14 (before its repeal).

24 (b) A person who recklessly, knowingly, or intentionally violates
25 this section commits **the following**:

26 (1) A Class A misdemeanor, **if the violation does not involve**
27 **disturbing human remains.**

28 (2) A Class D felony, **if the violation involves disturbing**
29 **human remains."**

30 Page 3, line 3, before "a burial" insert "**the limits of**".

31 Page 3, line 3, after "purpose of" insert "**excavating or covering**
32 **over the ground or**".

33 Page 3, line 10, after "to" insert ":

34 **(A) excavate or cover over the ground; or**

35 **(B)".**

36 Page 3, line 11, after "existing structure" insert ";

37 Page 3, line 11, beginning with "that" begin a new line single block
38 indented.

1 Page 3, line 12, strike "significantly".

2 Page 3, line 13, after "to" insert ":

3 **(A) excavate or cover over the ground; or**

4 **(B)".**

5 Page 3, line 14, after "existing structure" insert ";

6 Page 3, line 14, beginning with "for" begin a new line single block
7 indented.

8 Page 3, delete lines 40 through 42, begin a new paragraph and
9 insert:

10 **"(d) A development plan may require surveys to delimit the**
11 **burial ground with respect to the proposed alteration.**

12 **(e) If a burial ground is within an archeological site, an**
13 **archeological plan is required to be part of the development plan."**

14 Page 4, delete lines 1 through 2.

15 Page 4, line 3, delete "(e)" and insert "(f)".

16 Page 4, delete lines 7 through 23, begin a new paragraph and insert:

17 **"SECTION 10. IC 14-21-1-27 IS AMENDED TO READ AS**
18 **FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 27. (a) A person who**
19 **disturbs buried human remains or burial grounds shall do the**
20 **following:**

21 (1) Notify the department within two (2) business days of the time
22 of the disturbance.

23 (2) Treat or rebury the human remains in a manner and place
24 according to rules adopted by the commission or a court order and
25 permit issued by the state department of health under
26 IC 23-14-57.

27 (b) A person who recklessly, knowingly, or intentionally violates
28 this section commits a Class A misdemeanor.

29 **SECTION 11. IC 14-21-1-28 IS AMENDED TO READ AS**
30 **FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 28. A person who ~~with~~**
31 **~~the intent to disturb ground for the purpose of discovering or removing~~**
32 **~~artifacts, burial objects, grave markers, or human remains, disturbs~~**
33 **~~buried~~ disturbs human remains or grave markers **while moving,****
34 **collecting, or removing artifacts or burial objects either:**

35 (1) without a plan approved by the department under:

36 (A) section 25 of this chapter; or

37 (B) IC 14-3-3.4-14 (before its repeal); or

38 (2) in violation of such a plan;

- 1 commits a Class D felony."
- 2 Page 4, line 26, after "discovers" insert ", **uncovers, collects, or**
- 3 **moves**".
- 4 Page 4, delete line 31.
- 5 Page 4, line 32, reset in roman "(2)".
- 6 Page 4, line 32, delete "(3)".
- 7 Page 7, delete lines 29 through 31.
- 8 Renumber all SECTIONS consecutively.
(Reference is to HB 1763 as introduced.)

and when so amended that said bill do pass.

Representative Bischoff